

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Patent Examining Operations**

Applicant(s): Clive Patience  
Divisional of 09/612,204 Art Unit: 1648  
Filed: 7 July 2000 Examiner: Foley, S.  
TITLE: GAMMA HERPES VIRUS DNA AND METHODS OF USE  
Docket No.: 61750-379

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Sir:

Prior to examination, Applicant requests that the accompanying divisional Application be amended as follows:

In the Specification:

Please amend the first paragraph of the application to read as follows:

This application is a divisional of U.S. Application Serial No. 09/612,204, filed 7 July 2000, and claims the benefit of U.S. Provisional Application 60/168,532, filed 2 December 1999, and U.S. Provisional Application 60/142,736, filed 8 July 1999, the disclosures of which are hereby incorporated by reference in their entirety.

**REMARKS**

The accompanying application is a Divisional of U.S. 09/612,204, filed 7 July

2000, and the priority claim in the specification of the application has been amended herewith to recite this lineage.

In addition, the accompanying application has a new claim set that effectively removes claims directed to polynucleotides that were allowed in the parent application.

In addition, in the parent case, the Examiner objected to incorporation into the specification of a jump cite to the internet and this was removed therefrom and replaced with a non-executable reference to the same site. This same change has been made to the specification submitted herewith (at page 38, line 15, of the accompanying application) so that no new matter has been added.

Further, in the parent application an objection was made to the specification in that a number of drawings contained sequences not recited in the Sequence Listing and a substitute Sequence Listing (paper and diskette) was submitted by amendment to correct this. The corrected sequence listing has likewise been submitted herewith in place of the sequence listing originally filed in the parent application so as to avoid this problem at the outset, along with the appropriate diskette, and therefore no new matter has been added.

Further, Figure 11 at page 8, line 14, has been changed to read "Figures 11 (a) and (b)" to reflect the Examiner's amendment entered in the parent application.

No other changes have been made to the application.

No additional fee is believed due in connection with the filing of this amendment. The Commissioner is authorized to charge payment of any additional filing fees required under 37 CFR 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.